

REVISED

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

June 24, 2003

**79**

FROM: **GERRY NEWCOMBE**, Deputy Administrative Officer  
County Administrative Office

SUBJECT: **COURT FACILITY TRANSFER**

RECOMMENDATION: 1) Approve the County Administrative Office, County Counsel, Facilities Management, Real Estate Services, Architecture & Engineering, and Board of Supervisors representative as the County Negotiating Team for Court Facility Transfer negotiations and; 2) Direct staff to notify State Judicial Council as required under SB 1732 (Chapter 1082, statutes of 2002).

BACKGROUND INFORMATION: In 1997, the state legislature enacted the Trial Court Funding Act (AB 233) that started the process of transitioning the responsibility for funding local courts to the state. In 2002, the legislature enacted the next step in the reform process, SB 1732, which lays out the structure and procedures for the transfer of responsibilities for trial court facilities from counties to the state. The California State Association of Counties and the Judicial Council are tasked with developing procedures for implementing facility transfers, including forms and instructions for calculating the facility payments (operation and maintenance amount counties will pay the state in perpetuity, based on actual costs from 1995-96 through 1999-00). These procedures and a proposed schedule for negotiations are due to counties no later than June 30, 2003.

Negotiations for facility transfers will be on a building-by-building basis starting July 1, 2003 and concluding by July 1, 2007, but no actual transfers will take place prior to July 1, 2004. Counties are not required to make a facility payment until transfer occurs. On or before July 1, 2003, counties are to designate the people responsible to negotiate transfer agreements with the state and provide those names to the Judicial Council. The County Administrative Office organized a working group to begin preparing for the negotiations last October and recommends including the following individuals on the negotiating team that will represent the County:

1. County Administrative Office – Gerry Newcombe, Mark Weinstein, Janet Lowe, Mario Lara
2. Facilities Management – Dave Gibson
3. Real Estate Services – Dave Slaughter
4. Architecture & Engineering – Dan Ojeda
5. County Counsel – Dan Haueter
6. Board of Supervisors – to be determined

Other staff resources can be drawn upon as needed during the negotiation process.

REVIEW BY OTHERS: This item has been reviewed by the County Administrative Office on June 12, 2003 (Mario Lara, Administrative Analyst), and County Counsel on June 12, 2003 **Rex Hinesley**, Chief Deputy County Counsel).

FINANCIAL IMPACT: This action has no impact on the General Fund. The ultimate implementation of the transfer of court facilities from the County to the State is intended, under the authorizing legislation, to be revenue and cost neutral to both parties.

SUPERVISORIAL DISTRICT (S): All

PRESENTER: Gerry Newcombe, Deputy Administrative Officer, 387-9046

Record of Action of the Board of Supervisors

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